

OPEN PEER REVIEW

Feasibility of the Impact of Alimony for Poverty on Social Justice in Turkish Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

The introduction states: "One of the obligations of marriage in Turkish law is the provision of alimony between spouses." It would strengthen the argument to provide a clear legal definition of "alimony for poverty" in Turkish law before discussing its implications.

The sentence "On the other hand, the dowry in Turkey is not considered a financial obligation..." seems to introduce a new concept without a clear transition. Consider clarifying how dowry is relevant to alimony for poverty and social justice.

The argument for positive discrimination includes a hypothetical analogy about a running race. While illustrative, it lacks a direct connection to alimony. Consider referencing specific legal precedents or laws in Turkey that justify gender-based financial support after divorce.

In discussing how Turkish judges interpret alimony laws, the article references some academic sources but does not cite actual court cases. Including at least one high-profile case or a relevant Supreme Court ruling would improve the legal analysis.

The section discussing Articles 175 and 176 of the Turkish Civil Code states that judges can apply alimony "indefinitely." However, it is unclear whether there are specific conditions that could terminate this obligation. Consider explicitly stating the legal grounds for modification or termination of alimony.

The discussion on economic burdens caused by alimony does not provide data on the financial impact of indefinite alimony on Turkish men or women. Including statistics from economic studies or government reports would make this argument stronger.

The statement “This practice leads the woman to financially and morally punish the man...” makes a psychological claim without citing studies. It would be beneficial to reference psychological research on the emotional effects of long-term alimony obligations.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The introduction claims that "Turkey's legal system, by adopting a secular approach in legislation, seeks to achieve social justice and gender equality, but due to the society's Muslim background, this has led to conflicts and numerous problems." This is an important claim, but no theoretical framework is provided to analyze this conflict. Consider incorporating legal pluralism theories to support this discussion.

The section on "The Nature of Alimony in the Turkish Legal System" mentions the Hague Convention on Alimony (1973) but does not compare Turkish law with other legal systems influenced by the convention. A comparative legal analysis would provide more depth.

The sentence “It may seem unfair that only the financial well-being of women, even after divorce, is given more attention, while men are left in distress...” presents a strong claim without empirical or statistical evidence. Consider including Turkish divorce case statistics or referencing studies on the economic impact of divorce on men.

The section on social justice provides a broad discussion but does not directly relate its principles to the Turkish alimony system. It would be useful to clarify how social justice principles—such as distributive or procedural justice—apply to alimony laws.

The article discusses legal inconsistencies but does not provide background on how Turkish alimony laws have evolved over time. Adding a brief legislative history of Article 175 would clarify whether these rules have changed in response to social or political pressures.

The claim that “unlimited alimony” in Turkey is “one of the most unusual legal practices” should be substantiated with a comparison to European or Middle Eastern legal systems that handle spousal support differently.

The article states, “If the requesting spouse is more at fault, alimony cannot be granted in their favor.” However, it does not clarify how fault is determined in Turkish courts. Consider adding judicial criteria or common fault-based scenarios.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.